

<b>STATE OF NEW MEXICO INCIDENT REPORT</b>				ORI NO. <b>NMNSP0200</b>		INCIDENT NO. <b>2008-11506</b>		PRIMARY <b>Y</b>	PAGE <b>1</b>	OF <b>3</b>
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OCCURRENCE DATE(S)		DATE REPORTED	AGENCY		COUNTY	
ON	OR BETWEEN		<b>NMSP LAS VEGAS</b>		<b>San Miguel</b>	

MM/DD/YYYY	MM/DD/YYYY	MM/DD/YYYY	GEOGR. CODE	OPTIONAL USE (CASE NO., ETC.)	BURGLARY Force No F	NO. OF
<b>06/25/2008</b>	<b>06/25/2008</b>	<b>06/25/2008</b>	<b>02005</b>	<b>07-967</b>	<input type="checkbox"/> <input type="checkbox"/>	

TIME	DAY	TIME	DAY	TIME	DAY	HATE / BIAS MOTIVATION	GANG REL. Yes No
<b>02:13</b>	<b>WED</b>	<b>02:19</b>	<b>WED</b>	<b>02:19</b>	<b>WED</b>	<b>No Hate/Bias motivation apparent</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>

ADDRESS/LOCATION OF INCIDENT

**Street Address: COUNTY ROAD A1A**  
**City: TECOLOTE State: NM**  
**County: SAN MIGUEL Country: UNITED STATES**

OFFENSE / INCIDENT				FEL / MISD.		ATTEM	COMP	DOM. VIOL.	SEX	CHILD	OFFENDER(S) SUSPECTED OF USING :								
<b>1 AGGRAVATED STALKING</b>				<b>F</b>			<b>X</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>ALCOH.</td> <td>DRUG</td> <td>COMP.</td> </tr> <tr> <td><b>U</b></td> <td><b>U</b></td> <td><b>N</b></td> </tr> </table>			ALCOH.	DRUG	COMP.	<b>U</b>	<b>U</b>	<b>N</b>
ALCOH.	DRUG	COMP.																	
<b>U</b>	<b>U</b>	<b>N</b>																	

STATUTE OR ORDINANCE      **30-3A-31A**

UCR OFFENSE	<b>Intimidation</b>	WEAPON
CRIM. ACTIVITY		WEAPON
LOCATION	<b>Department / Discount Store</b>	WEAPON

PERSON CODE	TYPE CODE	INJURY CODE
<b>ARRESTED</b>	<b>INDIVIDUAL</b>	<b>NONE</b>

1-NAME (LAST, FIRST, MIDDLE)	SOCIAL SECURITY NO.	DOB	AGE	SEX	RACE:	WHI	BLK	ASIA	IND	UNK
<b>MARTINEZ, TOM</b>	<b>000-00-0000</b>	<b>04/19/1978</b>	<b>30</b>	<b>M</b>		<input checked="" type="checkbox"/>				

OCCUPATION	VICTIM OF OFF. NO.	HEIGHT	WEIGHT	HAIR	EYES	ETHNIC	AGG ASSAULT
<b>UNEMPLOYED</b>	<input type="checkbox"/>	<b>510</b>	<b>200</b>	<b>BLK</b>	<b>BRO</b>	<b>H</b>	<input type="checkbox"/>

EMPLOYER / SCHOOL	VICT. OF SUSP. NO.	RELATIONSHIP
<b>UNKNOWN</b>	<input type="checkbox"/>	

GANG AFFILIATION	<input type="checkbox"/>

ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.	NCIC NO.	Type of Arrest:	ON VIEW	CITED	CUST.	Residential Status:	RES	NON
					<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	

**Street Address: CR A1A**  
**City: TECOLOTE State: NM**  
**County: SAN MIGUEL Country: UNITED STATES**

PERSON CODE	TYPE CODE	INJURY CODE
<b>VICTIM</b>	<b>INDIVIDUAL</b>	<b>NONE</b>

2-NAME (LAST, FIRST, MIDDLE)	SOCIAL SECURITY NO.	DOB	AGE	SEX	RACE:	WHI	BLK	ASIA	IND	UNK
<b>MARTINEZ, KELLY</b>	<b>000-00-0000</b>	<b>01/12/1983</b>	<b>25</b>	<b>F</b>		<input checked="" type="checkbox"/>				

OCCUPATION	VICTIM OF OFF. NO.	HEIGHT	WEIGHT	HAIR	EYES	ETHNIC	AGG ASSAULT
<b>CLERK</b>	<input type="checkbox"/>	<b>502</b>	<b>125</b>	<b>BLK</b>	<b>BRO</b>	<b>H</b>	<input type="checkbox"/>

EMPLOYER / SCHOOL	SUSP. NO.	RELATIONSHIP
<b>WAL-MART</b>	<input type="checkbox"/>	<b>Victim was Boyfriend / Girlfriend</b>

GANG AFFILIATION	<input type="checkbox"/>

ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.	NCIC NO.	Type of Arrest:	ON VIEW	CITED	CUST.	Residential Status:	RES	NON
									<input checked="" type="checkbox"/>	

**Address Type: BUSINESS ADDRESS**  
**City: LAS VEGAS State: NM Zip: 87701**  
**County: SAN MIGUEL Country: UNITED STATES**

M.O. EVENT CODES : (AGENCY OPTIONAL USE)	TOTAL VALUE STOLEN	TOTAL VALUE REC.

SYNOPSIS

On Wednesday, June 25, 2008, I took a report of an aggravated stalking from Ms. Kelly Martinez, which resulted in the subsequent arrest of Mr. Tom Martinez for violation of an Order of Protection.



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On June 25, 2008, I was contacted by Ms. Kelly Martinez at the New Mexico State Police office in Las Vegas, New Mexico. Kelly explained to me that she and her boyfriend had been separated and she had obtained an Order of Protection earlier in the month. She identified her boyfriend as Mr. Tom Martinez. She explained that they had been in a relationship for approximately three years. She stated that Mr. Tom Martinez had been very abusive to her and actually assaulted her and beat her up in the past. She stated she was trying to get out of the situation; however, Mr. Martinez had continued to violate the Order of Protection. At that point, she produced her Order of Protection. I looked at it and made a copy. The Order of Protection appeared to be valid. It was signed by the judge and had not yet expired. I then contacted the San Miguel County Sheriff's Office and spoke to Undersheriff Jerry Urban who advised me that the Order of Protection had been served on Mr. Martinez and that he had returned the Return of Service to District Court on June 18, 2008. Kelly Martinez explained to me that she works at Wal-Mart and that Tom has repeatedly gone into the store and harassed her while she is working. She also showed me several text messages he has sent her. She stated, on the 17th, Mr. Martinez went into the store and explained that he needed talk to her; however, she stated she could not leave her cash register. She stated that Tom Martinez stood there for about a half an hour. Finally the store manager came over, who she identified as Patti Allen, and had Mr. Martinez removed from the store. She went on to explain that, the very next day, Mr. Martinez came into the store, had done the same thing, and was harassing her. At that point he had given her the note, which stated, "Kelly I cannot live without you. If I can't have you, no one else will." Again the store manager had to ask Mr. Martinez to leave the store. Kelly went on to explain that Mr. Martinez sometimes has a gun with him and, several times in the past, had actually gotten the gun and pointed it at her. She stated that he felt he would be carrying that gun with him, even though he was not supposed to have a firearm with him while he had an Order of Protection. She described the gun as a revolver. She said it was a small revolver and he always kept it in his right pocket. She went on to explain that, the final time he went to her work, the very next day, his pants were sagging and, when he lifted his shirt, she saw what appeared to be the handle of the firearm. She became very scared and ran over to Customer Service and asked they call 911. She stated the Las Vegas City Police arrived on scene and made contact with her; however, Tom Martinez had already left the scene. I attempted to contact Mr. Martinez but he did not answer his phone. I documented the incident to be forwarded to the District Attorneys Office for review and instructed Ms. Martinez to go to the District Court House and file for an Order to Show Cause. NARRATIVE

"I WILL PROSECUTE / TESTIFY SHOULD THE OFFENDER "I UNDERSTAND IT IS A CRIMINAL OFFENSE TO FILE A FALSE REPORT TO POLICE." COMPLAINTANT /

DATE

VICTIM CERTIFICATION SIGNATURE **X** Y N

REPORTING OFFICER FRANK CASAUS

**PTLM RANK**

**1882 I.D. NO**

ASSISTING OFFICER

APPROVING OFFICER

DETECTIVE / FOLLOW-UP OFFICER / REFERRED TO

PROCESSED BY DATE

**PDOTTS DATA ENTRY PERSON**

**06/25/2008**

INCIDENT STATUS C.L.A. C.L.E. XCLOSED

EXCEPTIONAL CLEARANCE CODE

**06/25/2008**

AGENCY OPTIONAL USE (DISTRIBUTION, OTHER OFFICERS, ETC.) CASES CLEARED BY THIS ARREST Case No. Case No. Case No.